

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22299 of 2006

30.10.2006

Between:

Rapole Balakishan Rao, S/o.Venkateshwar Rao

... Petitioner

AND

Venmmala Jagan Mohan Reddy @ Jagan Madhav Reddy

And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22299 of 2006

ORDER:

The land admeasuring Acs.18.27 guntas in survey No.57 situated at Vemnoor Village of Ramagundam Mandal was notified for acquisition for submergence under Sri Pada Sagar Project (Yellampalli). The petitioner claims that he is absolute owner and possessor of the property, but his name did not figure either in the notification under Section 4(1) of the Land Acquisition Act, 1894 (the Act, for brevity) or in the declaration filed under Section 6 of the Act. Therefore, he approached the eighth respondent on 18.7.2006 for redressal. By a letter No.C4/1153/2006, dated 22.7.2006, the eighth respondent requested the seventh respondent to take necessary action on the representation made by the petitioner on 18.7.2006. A copy of the same was duly enclosed with the letter of the eighth respondent. Apprehending that the seventh respondent might pass award without considering the claim of the petitioner, the present writ petition is filed.

A perusal of the letter dated 22.7.2006 addressed by the eighth respondent would *prima facie* show that the petitioner's claim is pending before the seventh respondent. Therefore, before passing any award – if not already passed; the seventh respondent may have to consider the claim of the petitioner that he is allegedly "person interested" in the land under acquisition being the owner of the land as alleged by him. In case, award is already passed by the seventh respondent, the petitioner may make representation under Section 30

of the Act seeking reference to the Civil Court. The same may be considered by the Civil Court, if necessary, in accordance with law.

The writ petition, with the above observations, is accordingly disposed of. No costs.

October 30, 2006

(V.V.S.RAO,J)

NOTE:

Issue order copy by

01.11.2006.

(By order)

YS